

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No. 03-569 WJ


MARVIN THOMAS,

Defendant.

REPORT AND RECOMMENDATION

THIS MATTER having been referred to the undersigned United States Magistrate Judge by the Honorable William Johnson, and the undersigned having personally met and conferred *in camera* with Douglas E. Couleur, attorney for Defendant Marvin Thomas, and as a result of this conference with Mr. Couleur, concludes that Mr. Couleur has a professional conflict of interest which supports his application for permission to withdraw as counsel of record for Mr. Thomas. The undersigned conducted this *in camera* conference with Mr. Couleur with the express and prior understanding that the exact nature of the conflict of interest will remain in confidence, however, it is respectfully reported to the Court that Mr. Couleur has a conflict of competing interests between clients and it is reasonable and ethically appropriate for Mr. Couleur to be allowed to withdraw as counsel of record for Mr. Thomas.

IT IS THEREFORE reported to the Court that the *in camera* conference between the undersigned and Mr. Couleur occurred on December 17, 2003, at 10:00 a.m. and it is further recommended that Mr. Couleur's application for permission to withdraw as counsel of record for Defendant Thomas be immediately granted and substitute counsel appointed.



ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE